

From: Jeff Hannon
To: Microsoft ATR
Date: 1/26/02 10:10pm
Subject: Microsoft Settlement

01/25/02

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Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order (Microsoft Settlement)

Dear Judge Kollar-Kotelly:

I wish to respectfully express my personal opinion to you regarding the current Microsoft Settlement as provided for under the Tunney Act.

I work for a company in Arizona which produces software utilized by infrastructure contractors (highways, dams, power plants, airports, etc.) in the United States and Canada to bid and build projects. Since the mid 1980's, this software has run atop Microsoft operating systems. We compete against several other products in the marketplace, and win clients by having a superior product and services. This firm I work for (to pay my mortgage) is attempting now to build its future software 'platform independent', so as not to be beholden to Microsoft operating systems and applications (MS Office). Attempts such as these, to have the option of using Microsoft products, but not to have to RELY on them, is one aspect that should be considered in the Settlement.

I disagree with the settlement for two reasons:

1. The language in the Settlement gives Microsoft MORE power to stifle Free Software and Open-Source Software development.

If this is the Court's (and the Administration's) political intent, then so be it, but constituents should be made aware of the implications, and why their government deems it so. I'm sure by now you know that the 'free' in Free Software refers to freedom and not price. Since our nation was built upon these principles, any settlement which infringes upon freedom is detrimental to our way of life. Regardless of Microsoft's rhetoric to the contrary, Free and Open-Source software gains customers and users because of having superior quality. This is truly the Open Market at work. Microsoft does not seem to embrace the

'open market' concept (where inferior products can be discarded by consumers), nor the concept of freedom (freedom of choice). The settlement appears to empower Microsoft more than before they were convicted of breaking the law.

2.The Settlement is detrimental to our nation's multi-billion dollar Construction Industry.

Since the Settlement has virtually no penalty for Microsoft, and even subtly gives them added powers (J.1 and J.2), the construction industry will continue to spend billions of dollars for non-productive and non-needed operating system upgrades and hardware. This money would be better spent on investments in new jobs and capital equipment (or as profits invested in the stock market). Just at the point in time when the industry is being offered more sensible CHOICES for alternative platforms and superior applications, the Settlement appears to make attempts at beating those choices backward.

I was under the impression that the the Settlement was all about 'consumers', not about protecting the position of a convicted monopolist. The Internet and the World Wide Web as we know it today, which was made possible by open-source software, requires little more than internet access as the cost of entry. This settlement will make it cost much more.

Thank You'
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